

### REMARKS

In this Response, Applicant cancels claims 1-9 and 33-40 without prejudice and amends claim 28 to address the grounds of rejection set forth by the Examiner. Cancellations of and amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any of the Examiner's rejections. Support for these amendments can be found throughout the present application. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application. Upon entry of the Amendment, claims 10-25 and 27-30 are pending in the present application.

#### Allowed Subject Matter

Applicant acknowledges with appreciation the Examiner's rejoinder and examination of previously withdrawn claims 14-16 and 20.

Applicant further acknowledges with appreciation the Examiner's allowance of claims 10-24.

#### Claim Rejections

35 U.S.C. §§ 102(b), 103(a)

The Examiner rejected claims 25, 28, and 30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,417,134 to Fitz.

The Examiner also rejected claims 27 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Fitz.

#### *Claims 25 and 27*

Independent claim 25 of the present application is directed to a punching apparatus for cutting a guide notch into a zipper of a polymeric bag. Among other things, independent claim 25 includes a housing having an opening, a first slot for leading a zipper into the opening, and a second slot for leading the zipper from the opening, a punch that creates a guide notch in the zipper in response to being moved into the opening while the zipper is present, and a guide mechanism engaging ends of the guide notch and guiding the zipper to the second slot.

Fitz does not disclose an apparatus for cutting a guide notch into a zipper of a polymeric bag having, among other things, a guide mechanism engaging ends of the guide notch. Fitz

discloses an apparatus that includes a track with opposed shoulders for receiving a flat cable, guides for positioning the flat cable, and a punch for cutting in the flat cable a slot that is centrally aligned with the track. (Fitz 3/30-4/22 and Fig. 1.) As shown in Figs. 1 and 8 of Fitz, the guides are disposed to engage the ends of the flat cable, but not either end of the slot. Fitz does not disclose, therefore, an apparatus for cutting a guide notch into a zipper of a polymeric bag having, among other things, a guide mechanism engaging ends of the guide notch.

As such, Applicant respectfully submits that independent claim 25 is allowable over the prior art of record. Because independent claim 25 is allowable, claim 27 is also allowable at least for depending therefrom.

Moreover, dependent claim 27 is further allowable for reciting additional features not disclosed by the prior art relied upon by the Examiner. For example, claim 27 recites specific features of a guide slot in the housing. At least for these reasons, dependent claim 27 is further allowable over the prior art relied upon by the Examiner.

#### *Claims 28-30*

Independent claim 28 of the present application is directed to a punching apparatus for cutting a guide notch into a zipper of a polymeric bag. Among other things, independent claim 28 includes a housing having a channel with a guide notch cutting region, a first zipper guide slot in the housing for guiding the zipper into the guide notch cutting region, a second zipper guide slot in the housing for guiding the zipper from the guide notch cutting region, a punch for cutting a guide notch in the zipper when advancing through the guide notch cutting region, and a guide mechanism disposed to engage and guide a trailing edge of the guide notch in the zipper to the second zipper guide slot.

As previously described herein with respect to independent claim 25, Fitz discloses an apparatus that includes a track with opposed shoulders for receiving a flat cable, guides for positioning the flat cable, and a punch for cutting in the flat cable a slot that is centrally aligned with the track. As shown in Figs. 1 and 8 of Fitz, the guides are disposed to engage the ends of the flat cable, but neither guide engages an edge of the slot. Fitz does not disclose, therefore, an apparatus for cutting a guide notch into a zipper of a polymeric bag having, among other things, a guide mechanism disposed to engage and guide a trailing edge of a guide notch in the zipper.

As such, Applicant respectfully submits that independent claim 28 is allowable over the prior art of record. Because independent claim 28 is allowable, claims 29 and 30 are also allowable at least for depending therefrom.

Moreover, dependent claims 29 and 30 are further allowable for reciting additional features not disclosed by the prior art relied upon by the Examiner. For example, claim 29 recites specific features of the first and second slots, and claim 30 recites specific features of the guide mechanism. At least for these reasons, dependent claims 29 and 30 are further allowable over the prior art relied upon by the Examiner.

#### Formal Request for Interview

If the present application is not considered to be in condition for allowance, Applicant requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant's Attorney Jeffrey Sears may be reached at telephone number (212) 294-3554 to schedule a mutually convenient date and time and to provide assistance or additional information as required.

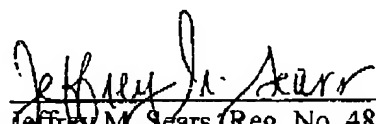
#### **CONCLUSION**

On the basis of the foregoing Amendment and Remarks, Applicant respectfully submits that the pending claims of the present application are allowable over the prior art of record. Applicant thus respectfully requests that this Amendment be entered by the Examiner and that the previous rejections of the pending claims be withdrawn. Applicant further requests that claims 26, 31, and 32 be rejoined with the pending claims and fully examined for patentability under 37 C.F.R. § 1.104. Claims 10-32 are in condition for allowance. Favorable consideration and timely allowance of this application are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this paper to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 86012-31400-USPT. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and such fee should also be charged to Winston & Strawn Deposit Account No. 50-1814, Ref. No. 86012-31400-USPT.

Respectfully submitted,

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